



JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

AUG - 3 2007

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UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION

IN RE: ASBESTOS PRODUCTS LIABILITY  
LITIGATION (No. VI)

Edward McIntyre v. Warren Pumps LLC, )  
N.D. California, C.A. No. 3:06-6301 ) MDL No. 875

ORDER VACATING CONDITIONAL TRANSFER

**Before the entire Panel\*:** This unopposed motion is brought pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), by plaintiff in an action pending in the Northern District of California (*McIntyre*). Movant asks the Panel to vacate the respective portion of its order conditionally transferring *McIntyre* to the Eastern District of Pennsylvania for inclusion in the centralized pretrial proceedings occurring there in this docket before Judge James T. Giles.

On the basis of the papers filed and hearing session held (without oral argument), the Panel finds that transfer of *McIntyre* to the Eastern District of Pennsylvania would neither serve the convenience of the parties and witnesses nor further the just and efficient conduct of this litigation. Not only is the action already at a substantially advanced stage in the Northern District of California, but its lone defendant did not submit any brief in opposition to plaintiff's motion to vacate. *See* Rule 7.2(c), R.P.J.P.M.L., 199 F.R.D. at 434 (providing that a party's failure to file a response to a motion "shall be treated as that party's acquiescence to the action requested in the motion").

IT IS THEREFORE ORDERED that the Panel's conditional transfer order designated as "CTO-276" is vacated insofar as it relates to this action.

PANEL ON MULTIDISTRICT LITIGATION

D. Lowell Jensen  
Acting Chairman

John G. Heyburn II, Chairman*	J. Frederick Motz
Robert L. Miller, Jr.	Kathryn H. Vratil
David R. Hansen	Anthony J. Scirica*

\* Judges Heyburn and Scirica took no part in the disposition of this matter.